

Dixie Resource Area Office
225 North Bluff Street
St. George, Utah 84770
(801)673-4654

2800
UTU-63286
UT-047

December 16, 1988

CERTIFIED MAIL NO. P881 934 536
RETURN RECEIPT REQUESTED

Hidden Valley Water Users Assoc.
c/o LaVar Webb
P. O. Box 801
Leeds, Utah 84746

Dear Mr. Webb:

We have reviewed your application for a right-of-way for a buried pipeline and well near Leeds. The proposed use appears to be valid and we are unaware of any consequences that cannot be mitigated. Steps will be initiated to complete the environmental process necessary to issue a right-of-way grant. This process could take up to two months time.

Application fees for right-of-way UTU-63286 have been determined to be \$300, as shown on the attached Right-of-Way Cost Recovery Category and Fee Determination Record. Please note that this determination is a decision that is appealable under Part 4 of 43 CFR, if you believe it to be incorrect. If an appeal is taken, your Notice of Appeal must be filed in this office so the file can be transmitted to the Board. A copy of your Notice of Appeal and of any statement of reasons, written arguments or briefs must also be served on the Office of the Solicitor as shown on enclosed Form 1842-1. In taking an appeal, there must be strict compliance with the regulations.

If you have any questions, please contact Esther Wasden or Dale Ross.

Sincerely,

! /s/David Brine !

David Brine
Acting Area Manager

Enclosures

- (1) Form 1323-2
- (2) Form 1842-1

!DROSS:1b:12/15/88!

10-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office

Dixie Resource Area

Serial Number

U-63286

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. ☐ Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder Hidden Valley Water Users Association receives a right to construct, operate, maintain, and terminate a culinary water pipeline, an irrigation water pipeline, a buried electrical supply cable and a well. on public lands (or Federal land for MLA Rights-of-Way) described as follows:

T. 41 S., R. 14 W., SLB&M
Sec. 12: E $\frac{1}{2}$ NW $\frac{1}{4}$

- b. The right-of-way or permit area granted herein is 15 feet wide, 1,480 feet long/plus 100' radius around well and contains 1.23 acres, more or less. If a site type facility, the facility contains _____ acres.
- c. This instrument shall terminate on March 23, 2019, 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument ☒ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

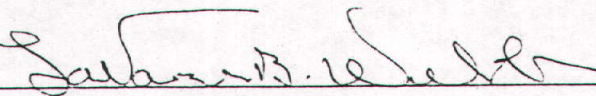
3. Rental: The Holder, a nonprofit association, is exempt from rental fees, 43 CFR 2803.1-2(b)(2)

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 60 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A-1 and A-2, dated _____, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. Right-of-way shall be subject to existing mining claims.
- h. Should cultural sites be encountered during construction, all work shall cease immediately. BLM will be notified and necessary salvage or protection measures coordinated. The costs for salvage operation shall be borne by the holder. All salvaged cultural resources shall remain the property of the United States and will be turned over to the Bureau of Land Management.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.


(Signature of Holder)
stockholder and Association
Representative
(Title)


(Signature of Authorized Officer)
Acting Area Manager
(Title)

3-23-89
(Date)

3-23-89
(Effective Date of Grant)

[illegible]

SM Inc.

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF APPLICATION)

MEMORANDUM DECISION

NUMBER 81-1570 (a14462))

Application 81-1570 (a14462) was filed by LaVar Webb, for Hidden Valley Water Users Association, to permanently change the point of diversion and nature of use of 0.3293 CFS of water as evidenced by Application No. 36933a, Certificate 10215. The water has been used from a well to irrigate 13.18 acres within Lot 12 and SE1/4SW1/4 of Section 12, T41S, R14W SLB&M and by this change it is proposed to pump the water from the same well as heretofore owned, in addition, a well located North 2550 feet and West 395 feet from S1/4 Corner of Section 12, T41S, R14W SLB&M to be used for the domestic requirements of 48 families, irrigation of 9.50 acres, and stockwater for 18 equivalent Livestock Units.

The application was advertised in the Washington County News and was protested by 5M Corporation. A hearing was held in the Office of the State Engineer, Salt Lake City, Utah on February 18, 1988.

The applicant is concerned that the supply of water in their presently used smaller, shallow well will not meet the requirements for the subdivided land. The flow from their existing well has diminished and the water quality is questionable for "potable" use. Earlier water tests from the proposed well indicate that quality and quantity of water would meet those requirements, however, Mr. Webb further states that a right-of-way has been established onto public domain and it would be their intention to remain within that right-of-way.

The protestant, 5M Corporation, is concerned that the use of this well will interfere with a mining and mineral extracting process that it has operated directly upstream from the subject well on the same drainage. It is concerned that the water supply may have already been contaminated at this well site and further, that its intended strip mining project will be impaired by any continued use from the well.

The State Engineer requested the applicant to test pump the proposed well and obtain samples of the water for complete analysis at a reputable laboratory facility. Those tests were taken and the analysis does not indicate contamination of the water source. A copy of the test results have been filed with the State Engineer. Based on this information and complete review of the file, it is the opinion of the State Engineer that the change application can be approved without impairing the protestant's project or water supply.

It is, therefore, ORDERED, and Change Application 81-1570 (a14462) is hereby APPROVED, subject to prior rights. The applicant is responsible to obtain all of the necessary rights-of-way for access, utility construction, and maintenance.

This decision is subject to the provisions of Section 73-3-14, Utah Code Annotated, 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from the date hereof.